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September 20, 2006

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Section 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area, WC Docket No. 05-281—Ex Parte Notice*

Dear Ms. Dortch:

On September 19, 2006, Liane Pelletier and Leonard Steinberg of Alaska Communications Systems Group, Inc. (“ACS”), Karen Brinkmann, Elizabeth Park and Anne Robinson of Latham and Watkins LLP, and Charles Jackson, consultant to ACS, met with Jeremy Miller, Denise Coca, Pam Megna and Tim Stelzig of the Wireline Competition Bureau in connection with the above-referenced proceeding. At the meeting, ACS responded to questions presented by the staff regarding information that ACS has submitted into the record of this proceeding and about the timing of forbearance relief. This notice summarizes the information ACS provided in the meeting, and provides clarification regarding the study area and wire center definitions and the nature of facilities-based competition in the Anchorage study area.

**Wire Center Definition**

As ACS has argued in this proceeding, the geographic market should be defined by either ACS’s five wire centers or the Anchorage study area as a whole. The five wire centers—North, Central, South, East, and West—encompass all customers in the Anchorage study area. Each of these five wire centers is served by a central office switch. By contrast, O’Malley and Rabbit Creek are remote locations rather than stand-alone switches. O’Malley and Rabbit Creek, along with Girdwood and Hope, are served out of the South wire center. General Communication, Inc. (“GCI”) has established facilities and is interconnected with ACS of Anchorage at the O’Malley and Rabbit Creek remotes. ACS does not believe these interconnections qualify as “collocation” as used in 47 U.S.C. § 251(c)(6) because ACS has no central office switch at either location. Although GCI does not provide cable television services to the Indian/Bird area of the South

wire center, GCI has fiber facilities that run through this portion of the South wire center, and has never asked for or bought UNEs in these areas.

### **GCI Facilities**

The attached maps, which are based on ACS's field observations, demonstrate some of GCI's DLPS and fiber deployment in the Anchorage study area. None of these maps purports to show all of GCI's facilities. Nonetheless, each map illustrates the reach of GCI's extensive facilities throughout the Anchorage study area. For example, while GCI has 25,000 DLPS lines in Anchorage, the first map reflects fewer than half (approximately 10,000) of them. The second map details GCI's extensive fiber facilities, which are particularly concentrated in the Anchorage business district. GCI fiber extends, for example, directly to Anchorage hotels, oil companies, credit unions, banks, the airport, a university and the primary hospital and healthcare facility in the study area. This map also shows that GCI's fiber facilities are located near several strip malls in various parts of Anchorage that contain small businesses. The third map demonstrates that GCI's fiber is co-extensive with ACS's and actually extends to a number of locations where ACS does not have facilities. The pervasiveness of GCI's fiber is not surprising as GCI is both a cable and long-distance service provider. GCI is in the fortunate position of being able to use this same fiber for local telephony services.

Further, the attached photographs highlight some of the wireless technologies GCI employs to serve its customers. Contrary to the implication in GCI's arguments in this proceeding, GCI does not need to lay cable or fiber to every site. GCI has demonstrated its ability to serve small businesses, including those in strip malls, through wireless local loops. GCI can also access residential customers with portable rooftop antennas.

### **Timing of Forbearance Relief**

A long transition period for the effectiveness of a forbearance order in this proceeding would not provide meaningful relief for ACS in Anchorage. Further, based on the stage of GCI's facilities build-out, GCI does not require a long transition period before it can provide service to substantially all customers on its own facilities. GCI has publicly stated that nearly all of the Anchorage, Fairbanks, and Juneau markets will be "addressable on [their] own facilities . . . by the end of next year." GCI Q2 2006 Earnings Conference Call Transcript 9. This estimate applies to both residential and business customers. *Id.* (elaborating that "it's easier to address the consumer customers than it is the commercial customers[,] just due to the nature of that plant, but that problem in terms of the addressable market should largely go away by the end of next year"). GCI's public statements also make clear that its move toward customer-powered eMTA units resolves the weather-related issues associated with its node upgrades for network powered eMTAs, which GCI claimed could only be performed during a short construction season. GCI Q2 2006 Earnings Conference Call Transcript 8. Moreover, as ACS noted during the meeting, aerial facilities are permitted in certain areas of Anchorage, and temporary aerial facilities can be installed during parts of the year that are too cold for excavation.

As discussed in previous filings, ACS is requesting forbearance, in part, to improve its ability to negotiate rates for its facilities and access to GCI's facilities. *See, e.g., Ex Parte Notice*

LATHAM & WATKINS<sup>LLP</sup>

of ACS of Anchorage, Inc., *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Section 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area*, WC Docket No. 05-281, at 3 (filed Sept. 8, 2006); *Reply Comments of ACS of Anchorage, Inc., In Support of Its Petition for Forbearance from Section 251(c)(3) and 252(d)(1)*, WC Docket No. 05-281, at 43-44 (filed Feb. 23, 2006). GCI has an incentive to negotiate with ACS only as long as it serves some customers via UNEs. Thus, a lengthy transition period would negate the impact of forbearance relief.

Attached are copies of materials provided to the meeting attendees. Please contact the undersigned if you have any questions regarding this submission.

Respectfully submitted,

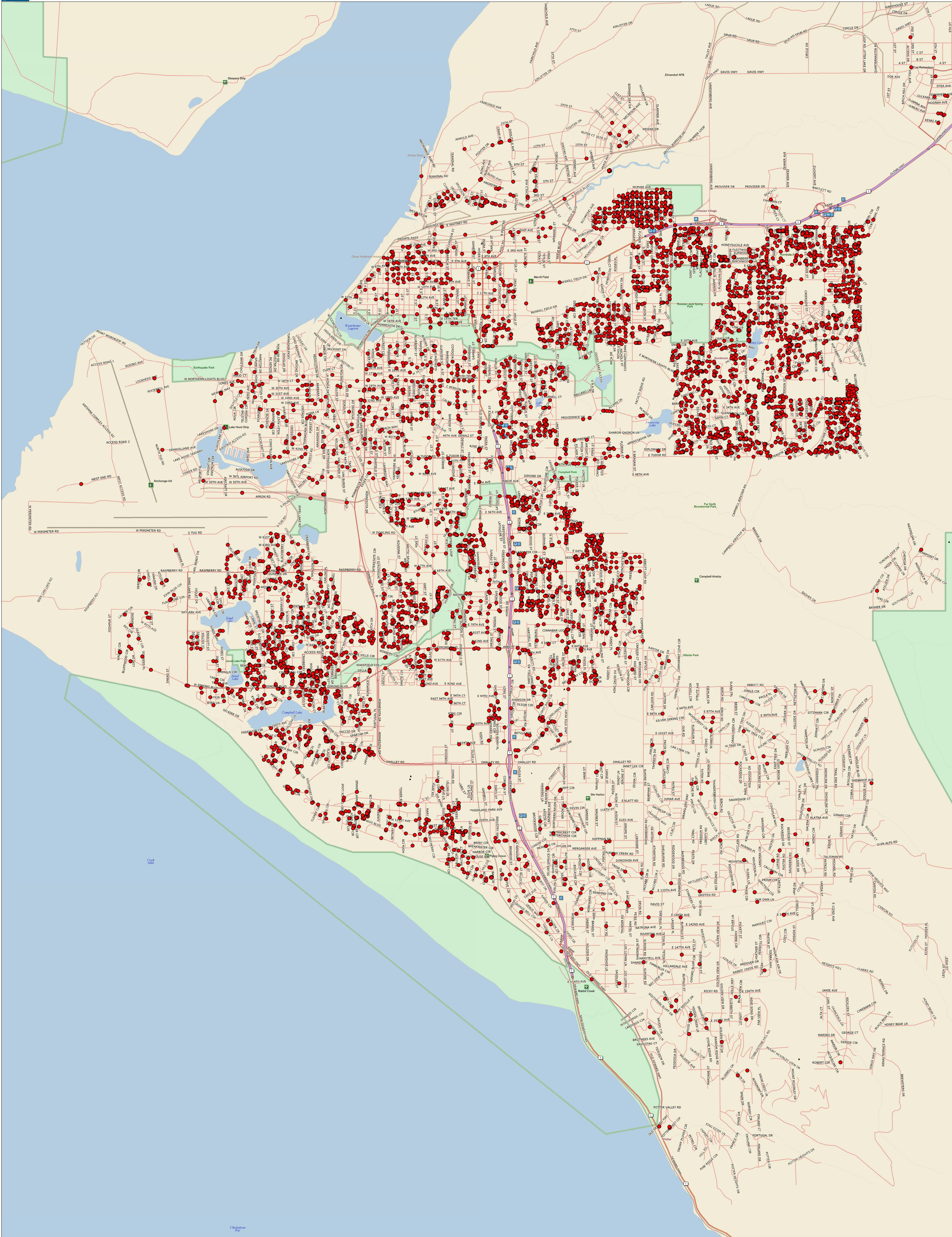
/s/ Karen Brinkmann

Karen Brinkmann  
Counsel to Alaska Communications Systems  
Group, Inc. and ACS of Anchorage, Inc.

Enclosures

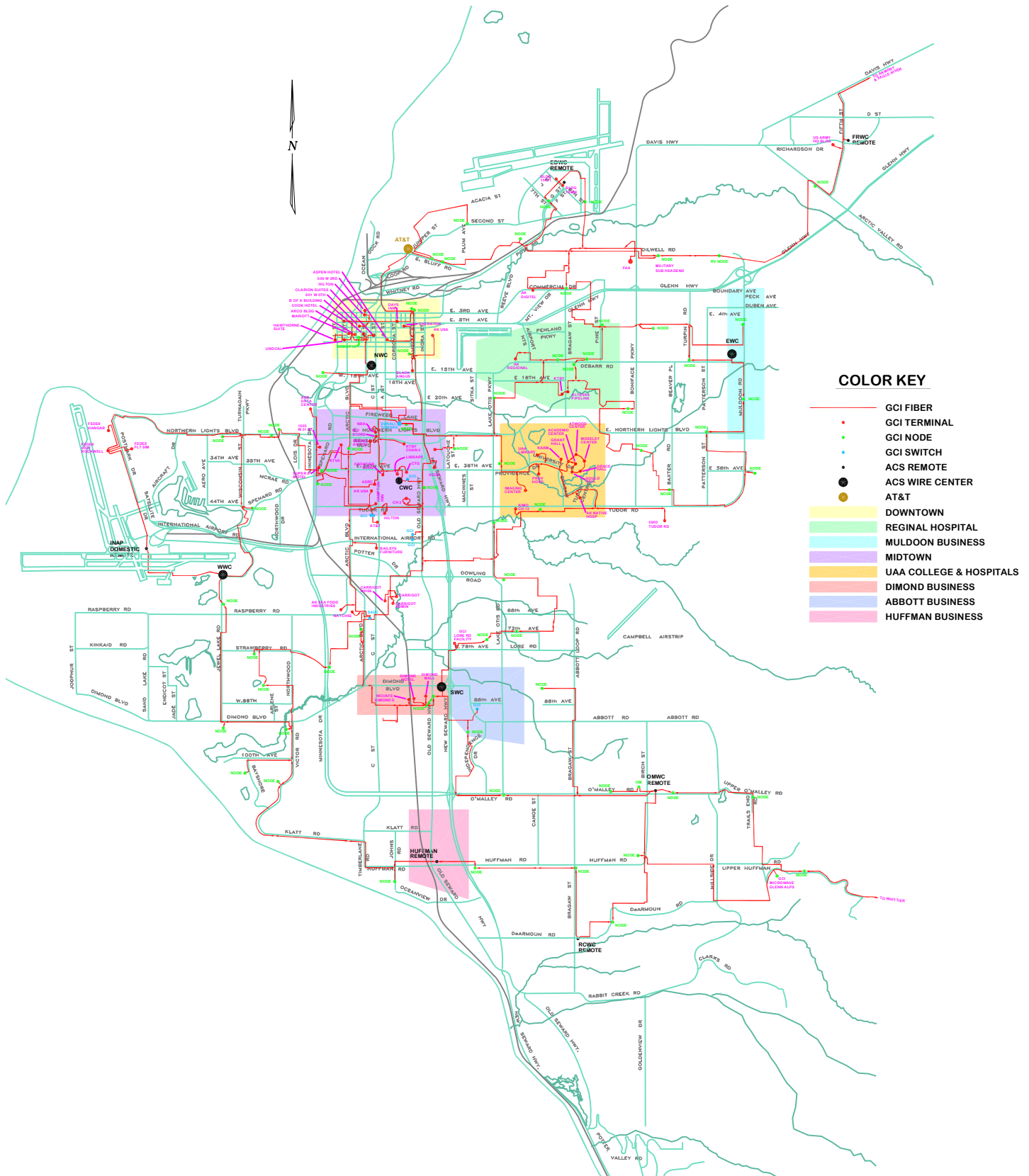
cc: Jeremy Miller  
Denise Coca  
Pam Megna  
Tim Stelzig  
Tom Navin  
Jeremy Marcus  
Julie Veach







AS MAPPED BY ACS TECHNICIANS



AS MAPPED BY ACS TECHNICIANS

